

SECTION 11

PROHIBITED ACTIVITIES

SALE OF FOOD PRODUCTS

USDA requires agencies to give food products to eligible households at no charge. Selling food products, trading food products or asking for a donation for food products is strictly prohibited. Violators are subject to federal and/or state prosecution. If a food outlet does any of these activities, all USDA food will be removed from the premises immediately.

POLITICAL ACTIVITY

Political activity in any form is prohibited during distribution of any USDA food product. Candidates may not make political appearances at any distribution site (food outlet) during the hours of operation. Campaign literature and signs must not be evident. Bags or boxes advertising candidates or political causes may not be used to carry food products and staff may not wear buttons or politically inspired apparel.

NO SOLICITATION OR MEMBERSHIPS REQUIRED

Clients may not be required to attend meetings of any kind, participate in or join the organization distributing the food or be solicited for contributions. Eligibility is based solely on income and state residency.

FOOD PRODUCTS AS COMPENSATION

Volunteers and staff are entitled to USDA products and other pantry items only if they meet income eligibility requirements. Eligible volunteers and staff may not be given extra food to encourage their assistance in the food pantry. Issuance rates for pantry items established by the outlet must not be exceeded for volunteers or staff.

DISCRIMINATION

Discrimination is prohibited. The “And Justice For All” poster must be displayed in clear view of all TEFAP clients. Reports of alleged discrimination should be mailed to the USDA address listed on the poster. HCSS may be assigned to investigate such allegations on behalf of USDA or USDA will investigate.

AMERICANS with DISABILITIES ACT

The potential impact the Americans with Disabilities Act (ADA) may have on not-for-profit organizations has been a concern for many agencies. [Homeless shelters, soup kitchens and food pantries are covered under Title III of the ADA as “places of public accommodation” that lease or occupy donated space from a religious organization remain subject to ADA.] Accordingly, a distribution site that occupies leased or donated space in a church, synagogue or temple or facilities owned by a church, synagogue or temple is subject to the ADA and Section 504 of the Rehabilitation Act of 1973.

Removal of architectural and structural barriers such as stairs or narrow doorways in existing buildings is required when such removal is “readily achievable,” that is when the modifications can be easily accomplished without great difficulty or expense. A variety of factors are considered in making this determination, including the overall financial resources of the organization and the extent of the action required. Also included is the impact of the action on the continued operation of the facility.

If the expense of removing the structural barriers will prove too costly for the distribution site, other ways to comply with ADA still exist. The installation of a buzzer or intercom at a stairway would still allow the client access to the services of the site. The recruitment of additional volunteers to provide home delivery through use of the proxy system is acceptable. The “readily achievable” removal of barriers might include installing grab bars, ramping a few steps, adding Braille marking to existing signs, rearranging tables or chairs, and making other modest adjustments.

All of the above can be accomplished with little or no expense to the site. The primary goal should be to allow access to the services provided by the site if access to the facilities cannot be achieved. For information regarding a survey of your facilities and what could be done to make a site more accessible, contact the Disability and Business Center at 1-800-949-4ADA.